

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, August 17, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Smith presented a resolution recognizing Jerome Catlin

II. CONSENT CALENDAR (Items 1-28)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11, 23 & 24
WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Silva** - Assessment Appeals Hearing Officer - Reappoint Robert Main, Garden Grove, for term ending 9/2/07
2. **Supervisor Smith** - Development Processing Review Committee - Appoint Michael J. Recupero, San Juan Capistrano, for term concurrent with 1st District Supervisor's term of office

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COMMENDATIONS/PROCLAMATIONS

3. Adopt resolution proclaiming August 9-13, 2004 as "World Breastfeeding Week" and commending WABA and staff of county WIC sites for their efforts on behalf of mothers and infants throughout the world
RESO: 04-227
4. Adopt resolution commending Dr. Aisha Simjee, M.D. for exceptional humanitarian service
RESO: 04-228

HEALTH CARE AGENCY

5. Approve agreement with Faculty, Physicians and Surgeons of Loma Linda University School of Medicine for physician services for Child Abuse Services Team, 8/17/04 - 2/16/05 (\$6,000) - All Districts
6. Approve agreement with Cal Poly University, Pomona for clinical training services, 9/1/04 - 8/31/09 - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

7. Approve agreement CB-0405-22 with California Department of Aging for Health Insurance Counseling and Advocacy Program (\$327,568) - All Districts
8. Approve price agreement S1000000286 with Housing Development Software, LLC for Management and Information Tracking System (\$129,000) - All Districts
9. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve submission of Section 8 Management Assessment Program Certification to U.S. Department of Housing and Urban Development to monitor performance of Section 8 tenant-based programs, FY 2003-04 - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

10. Approve revised plans and specifications and set bid opening for 9/1/04, 2:00 p.m., for construction of phase VIIB composite liner system, Frank R. Bowerman Landfill; and find that Final EIR 018 and Negative Declaration No.s 95-38 and 413 are adequate to satisfy requirements of California Environmental Quality Act - District 3

JOHN WAYNE AIRPORT

11. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for Phase II structural security modifications; set review to determine continuing need for emergency action for 8/24/04, 9:30 a.m. and every 14 days thereafter - District 2 (4/5 vote) (Continued from 3/9/04, Item 46; 3/23/04, Item 10; 3/30/04, Item 13; 4/20/04, Item 12; 5/4/04, Item 6; 5/18/04, Item 10; 5/25/04, Item 19; 6/8/04, Item 16; 6/22/04, Item 5; 6/30/04, Item 5; 7/20/04, Item 13; 8/3/04, Item 9)

23145 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

S U M M A R Y A C T I O N M I N U T E S

- 12. Accept work with Big West Corporation for remodel of 2nd floor Administration, Central Justice Center; project completed 6/24/04 (\$439,813) - District 1
- 13. Approve termination of emergency action originally approved on 6/29/04 to relocate the existing underground utilities interference of Orange County Public Law Library expansion project - District 1 (Continued from 6/29/04, Item 110; 7/20/04, Item 23; 8/3/04, Item 16)
- 14. Approve agreement 04-0027C with the State Department of Pesticide Regulation for data entry of pesticide use reports, 7/1/04 - 6/30/05 (\$17,964 revenue) - All Districts
- 15. Approve agreement 04-0575 with the State Department of Food and Agriculture for egg quality control enforcement, 7/1/04 - 6/30/05 (\$7,500.78) - All Districts

PUBLIC PROTECTION

- 16. **District Attorney** - Adopt resolution approving execution and submission of grant award agreement to State Criminal Justice Programs Division/Office of Emergency Services for participation in State Vertical Prosecution Program, 7/1/04 - 6/30/05 (\$390,250); authorize Director or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
RESO: 04-229

Sheriff-Coroner:

- 17. Accept additional grant award from U.S Department of Justice for DNA Capacity Enhancement Program (\$8,810) - All Districts
- 18. Approve 2003-04 Financial and Operating Plan and 2004 Joint Operating and Financial Plan for Controlled Substances agreement with United States Forest Service to provide patrol services, Cleveland National Forest - Districts 3 & 5

GENERAL ADMINISTRATION

Clerk of the Board:

- 19. Approve the Conflict of Interest Code exhibits for Resources and Development Management Department - All Districts
- 20. Approve the Conflict of Interest Code exhibits for the Human Resources Department, effective July 1, 2004 - All Districts
- 21. Approve initial Conflict of Interest Code for Journey School, a California Public Charter School - All Districts
- 22. Approve initial Conflict of Interest Code for the Orange County Juvenile Justice Coordinating Council - All Districts

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County Executive Office:

23. Approve proposed response to Grand Jury Report "A Child at Risk: Missed Opportunities to Save a Life" - All Districts
35124 **APPROVED AS RECOMMENDED**
24. Approve proposed response to Grand Jury Report "The State of Orange County Jails" - All Districts
34125 **APPROVED AS RECOMMENDED**
25. Approve proposed response to Grand Jury Report "Tobacco Settlement Revenue in Orange County" - All Districts
26. Approve proposed response to Grand Jury Report "Cost Overruns and Delays at the Orange County Sheriff-Coroner's Statewide Training Facility" - All Districts
27. Receive and file External Restructuring Report for the County of Orange - All Districts
28. Approve amended agreement and five-year lease with Local Agency Formation Commission for compensation for facilities and services and for continued use of office space in County-owned building, Santa Ana; and make California Environmental Quality Act findings - All Districts (Continued from 8/10/04, Item 20)

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 29-S40A)

HEALTH CARE AGENCY

- 29 . Approve cooperative agreement with State Department of Fish and Game, Newport Beach and University of California, Irvine for Back Bay Science Center; and direct HCA to return to the Board with sublease and operating agreement for use of laboratory space for water quality testing and continuing maintenance and educational programs for Back Bay Science Center; and make California Environmental Quality Act findings - District 2 (Continued from 7/20/04, Item 46; 7/27/04, Item 26; 8/10/04, Item 24)
- 25134 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

- 30 . Adopt resolution approving submission of grant application to State Department of Housing and Community Development for CalHome Mortgage Assistance and Owner-Occupied Rehabilitation funds (\$1,000,000); and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts
- 13245 **APPROVED AS RECOMMENDED**
RESO: 04-230
- 31 . **Acting as the Board of Supervisors and Orange County Development Agency - Approve Budget and Work Program, FY 2004-05 - All Districts**
- 32145 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

- 32 . Receive bids and award contract to Palp, Inc. dba: Excel Paving Company for construction of interior access road paving and drainage facilities, Frank R. Bowerman Landfill (\$518,802) - District 3
- 32145 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- 33 . Receive and file plan of action report for 2004 Building & Safety, Grading & Planning Fees & Deposits Schedule to address stated concerns; and direct staff to return to Board in 180 days - All Districts
- 23145 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Sheriff-Coroner:

- 34 . Approve purchase order PC060P0500000397 with Wilcox Industries Corporation for purchase of self-contained breathing apparatus equipment (\$413,935) - All Districts
- 12345 **APPROVED AS RECOMMENDED**
- 35 . Approve license agreement with Tissue Banks International, Inc., dba Orange County Eye and Tissue Bank for rental of office space, Santa Ana facility; and make California Environmental Quality Act findings - District 1
- 13245 **APPROVED AS RECOMMENDED**

S U M M A R Y A C T I O N M I N U T E S

GENERAL ADMINISTRATION

County Executive Office:

- 36 . Approve issuance of Apartment Development Revenue Bonds for Woodbridge Manor Apartments (\$10,500,000 Series 2004A; \$1,105,000 Series 2004B; and \$7,532,000 Series 2004C); select U.S. Bank National Association as trustee and Rosenow Spevacek Group, Inc. as administrator; and approve other related matters - District 3
- 31245
N **APPROVED AS RECOMMENDED, DIRECTED STAFF THAT THE "CONDITIONS TO PRICING," PAGES 4 & 5 OF CSG ADVISORS 8/16/04 MEMO TO STAFF BE CONFIRMED PRIOR TO BOND CLOSING.**
RESO: 04-231
- 37 . Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
- DISCUSSED**
- 38 . Approve amendment 2 to Memorandum of Understanding with Orange County Employees Retirement System for additional retiree benefit account; adopt resolutions for Increase Retiree Death Benefit and STAR COLA; approve Memorandum of Understanding with Orange County Employees Retirement System for Workers' Compensation, Employee Benefits and Human Resource services - All Districts
- 35124
N **APPROVED AS RECOMMENDED, DIRECTED STAFF TO PERFORM A COMPREHENSIVE ANALYSIS OF THE RETIREE MEDICAL PROGRAM**
RESO: 04-232 - 04-233

Registrar of Voters:

- 39 . Receive and file Monthly Status Report regarding preparations for November General Election - All Districts
- 31245
X **APPROVED AS RECOMMENDED**
- 40 . Approve and adopt Revised Orange County Poll Worker Program - All Districts
- 35124
X **APPROVED AS RECOMMENDED**
- S40A . **Supervisor Smith** - Adopt resolution commending Patti Nunn for her years of service on the Orange County Comprehensive Economic Development Strategy Committee
- 14235 **APPROVED AS RECOMMENDED**
RESO: 04-234

IV. PUBLIC HEARINGS (None)

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V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

- CS-1 . **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Bunker v. County of Orange, et al., Court of Appeal Case No. G029383; OCSC Case No. 791799
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF BUNKER V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.
- SCS2 . **County Executive Office** - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer
HELD, NO REPORTABLE ACTION

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Kathleen Moran - Oral RE: Public Records Request regarding County Health Care Benefits

Cynthia Hanna - Thuan Trieu, Cecilia York, Shirley Adams Oral RE: UDW worker benefits

Claire Schotterback - Oral RE: Concerns over City of Industry land purchases in Orange County

Jerome Catlin - Oral RE: Midway City Ambulance Services and Indian Casino Legislative proposals

Darrell Nolta - Oral RE: Orange County beach water conditions

BOARD COMMENTS:

Supervisor Norby - Oral RE: Directed staff to provide Board with an update on the Orange County Fair move as part of the legislative update next week.

Supervisor Campbell - Oral RE: Directed staff to provide the Board with a report on all contracts issued for public relation services within the agencies of Board jurisdiction. He advised that he was making this request of all local agencies.

Supervisor Wilson - Oral RE: Advised that he would not be at the 9/14/04 Board Meeting and asked that the RDMD item relating to citation powers for park rangers be continued to 9/21/04, 9:30 a.m. vs. 9/14/04 as previously directed. (balance of Board concurred with the direction).

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ADJOURNED: 12:40 p.m.

- 15234 Adjourned memory of Dolores Esqueda
- 25134 Adjourned memory of John "Jack" Marshall
- 52134 Adjourned memory of Dennis B. Allen
- 52134 Adjourned memory of Bob Goehart
- 42135 Adjourned memory of Sgt. Moses Rocha

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

Right Margin Notes

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board